



The following constitutes the order of the court.
Signed April 13, 2016


William J. Lafferty, III
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re

Issa Aryanpure,

Debtor.

No. 11-49318
Chapter 7

MEMORANDUM RE LETTER FROM CREDITOR MICHAEL FOBBS

On August 30, 2011, Debtor filed a chapter 7 petition. There were no assets for the Chapter 7 Trustee to administer or distribute. On December 8, 2011, Debtor received a discharge. On December 9, 2011, the case was closed.

On March 8, 2016, the Court received a letter from unsecured creditor Michael Fobbs. Mr. Fobbs claims that neither he nor his ex-wife, Teresa Chatman, also listed as an unsecured creditor in Debtor's schedules, received notice of the bankruptcy filing. Although it is not clear what specific relief Mr. Fobbs is asking the Court to

1 grant, it appears that he seeks to except his claim, which
2 arose from real estate transaction that Mr. Fobbs alleges
3 was fraudulent, from discharge.

4 Mr. Fobbs claim was listed on Schedule F in the amount
5 of \$86,000. Ms. Chatman's claim was listed on Schedule F in
6 the amount of \$141,000, under the name "Teresa Fobbs."
7 According to the Creditor Mailing Matrix, Mr. Fobbs and Ms.
8 Chatman were given notice of the bankruptcy filings at an
9 address in Columbia, Missouri, at an address in Antioch,
10 California, and through attorney Peter Pappas, who is
11 listed as a representative of Mr. Fobbs.

12 Mr. Fobbs claims that these efforts to notify him and
13 Ms. Chatman of the bankruptcy filing were ineffective and
14 that they never received actual notice of the filing. He
15 asserts that he has never lived outside the State of
16 California, so the attempt to serve him at an address in
17 Missouri was ineffective. While he acknowledges that he and
18 Ms. Chatman previously resided at 2405 Sunny Lane, Antioch,
19 California, he asserts that they have not resided there for
20 over twenty-seven years. As a result, according to Mr.
21 Fobbs, the attempt to serve Ms. Chatman at that address was
22 ineffective.

23 If Mr. Fobbs wants to pursue his claim for relief
24 against Debtor, including a determination that he has a
25 nondischargeable claim against Debtor, he must file a
26 competent motion to reopen the case. Such a motion must be
27 served on Debtor, Debtor's counsel, and the Chapter 7
28 Trustee.

1 The contents of Schedule F and the Creditor Mailing
2 Matrix create a presumption that notices of the bankruptcy
3 filing went to the Antioch, California and Columbia,
4 Missouri addresses listed and that Mr. Fobbs and Ms.
5 Chatman received notice of the bankruptcy filing at the
6 addresses listed for them. Schedule F and the Creditor
7 Mailing Matrix also create a presumption that Mr. Fobbs was
8 provided with notice of the bankruptcy filing through
9 attorney Peter Pappas. In order to rebut the presumption,
10 Mr. Fobbs must provide definitive evidence that Debtor's
11 attempts to provide notice of the bankruptcy filing through
12 those means were ineffective and that he did not otherwise
13 receive actual notice of the bankruptcy filing.

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15 **End of Memorandum**
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COURT SERVICE LIST

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